

1 **JOE HILL**
2 **HILL LAW OFFICES**
3 P.O. Box 500917
Saipan, MP 96950
Tel.: (670) 234-6806/7743
Fax: (670) 234-7753

4 Attorney for Plaintiffs-In-Intervention

5
6 **UNITED STATES DISTRICT COURT**
7 **FOR THE**
NORTHERN MARIANA ISLANDS

8 **U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

9 Plaintiff,

Case No. CV 07-0029

10 v.

11 **L & T INTERNATIONAL
CORPORATION, L&T GROUP OF
COMPANIES, LTD., TAN
HOLDINGS CORPORATION, TAN
HOLDINGS OVERSEAS
INCORPORATED, CONCORDE
GARMENT MANUFACTURING
CORPORATION, and DOES 1-5,
Inclusive,**

12 Defendants.

13 **NOTICE AND MOTION FOR
LEAVE TO INTERVENE/
DECLARATION IN SUPPORT**

14 Date: February 21, 2008;
15 Time: 9:00 a.m.;
16 Judge: Hon. Alex R. Munson

17
18 **ABELLANOSA, JOANNA, ET AL.,**

19 Plaintiffs-In-Intervention.

20
21 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

22
23 **PLEASE TAKE NOTICE** that on February 21, 2008 at 9:00 a.m., or as soon
thereafter as counsel can be heard, in the District Court for the Northern Mariana Islands,

JOE HILL

Attorney at Law
Hill Law Offices ~ Susupe
P.O. Box 500917 ~ Saipan MP 96950 ~
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1 Horiguchi Building, Garapan, Saipan, CNMI, Plaintiffs-in-Intervention, Abellano et al.,^{1/}
2 will move this Court for an Order permitting them to intervene in the above-entitled action.

3 This motion is based on the grounds that Plaintiffs-in-Intervention may intervene as
4 a matter of right pursuant to Title VII of the Civil Rights Act of 1964, as amended, and Title
5 I of the Civil Rights Act of 1991. This motion is also based on this notice, the pleadings,
6 records and papers on file, testimony presented at hearing of the motion and the declarations
7 in support, and is also brought pursuant to Fed. R. Civ. P., Rule 24.

**MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION TO INTERVENE**

**Plaintiffs-Intervenors are Entitled to Intervene as of Right
Pursuant to Federal Rules of Civil Procedure § 24(a).**

Title VII of the Civil Rights Act of 1964 is a statute permitting Plaintiffs-in-Intervention to intervene in this action. It provides, in pertinent part, that the "person or persons aggrieved shall have the right to intervene in a civil action brought by the [EEOC]."

42 U.S.C. § 2000e; *See EEOC v. Westinghouse Elec. Corp.*, 675 F.2d 164 (8th Cir. 1982). Fed. R. Civ. P. 24(a)(1) provides that “[u]pon timely application, anyone shall be permitted to intervene in an action . . . when a statute of the United States confers an unconditional right to intervene . . .”

Intervention under Fed. R. Civ. P., Rule (24)(a)(1) is “absolute and unconditional.”
See Brotherhood of Railroad Trainmen v. Baltimore & O.R. Co. et al., 67 S.Ct. 1387, 1393

^{1/} A list of the names of the seventy-six (76) individual Plaintiffs-In-Intervention is attached as Appendix "A" hereto and hereby incorporated by this reference as though fully set forth herein.

1 (1947). Pursuant to Fed. R. Civ. P. 24(a)(1), the intervenor need not show a "sufficient"
 2 interest relating to the subject matter of the controversy, inadequacy of representation or that
 3 his or her interest may be impaired if not allowed to intervene. Ruiz v. Estelle, 161 F.3d 814,
 4 828, (5th Cir. 1998).

5 In considering intervention, courts usually "construe[] [the Rule] broadly in favor
 6 of the proposed intervenors." United States ex rel. McGough v. Covington Techs. Co., 967
 7 F.2d 1391, 1394 (9th Cir. 1992). " 'A liberal policy in favor of intervention serves both
 8 efficient resolution of issues and broadened access to the courts. By allowing parties with a
 9 *practical* interest in the outcome of a particular case to intervene, we often prevent or
 10 simplify future litigation involving related issues; at the same time, we allow an additional
 11 interested party to express its views before the court.' " Forest Conservation Council v. U.S.
 12 Forest Serv., 66 F.3d 1489 n.8 (9th Cir. 1995) (quoting Greene v. United States, 996 F.2d
 13 973, 980 (9th Cir. 1993) (Reinhardt, J., dissenting)).

14

15 **Alternatively, Plaintiffs-Intervenors may Intervene
 Pursuant to Federal Rules of Civil Procedure § 24(b).**

16

17 Fed. R. Civ. P. (24)(b) provides an alternative basis for the Plaintiffs-Intervenors'
 18 intervention in this action. It provides that permissive intervention may be granted "when
 19 an applicant's claim or defense and the main action have a question of law or fact in
 20 common." In determining a motion for permissive intervention, the primary consideration
 21 is "whether the intervention will unduly delay or prejudice the existing parties." Commack
 22 Self-Service Kosher Meats v. Rubin, 170 F.R.D. 93, 100 (E.D.N.Y. 1996).

23 Proposed Plaintiffs-Intervenors noticed and filed their motion to intervene, together

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1 with their memorandum of points and authorities, in a timely fashion. Timeliness is
2 determined when the prospective intervenor “knew or should have known that any of its
3 rights would be directly affected by the litigation.” Roeder v. Islamic Republic of Iran, 333
4 F.3d 228, 233 (D.C. Cir. 2003), *cert. denied*, 542 U.S. 915 (2004).

5 In the instant case, Plaintiff EEOC filed its Complaint on September 12, 2007. This
6 motion is filed before commencement or completion of discovery and before any ruling on
7 dispositive motions. It is offered that at this stage of the case and proceedings, intervention
8 will not unduly delay nor prejudice adjudication of the rights of the original parties.

9

10 **CONCLUSION**

11 Based on the foregoing, Plaintiffs-in-Intervention respectfully request that the Court
12 grant their motion to intervene, amend the caption of this action to reflect such intervention,
13 permit service of the proposed Complaint-In-Intervention, and grant such other and further
14 relief as the Court may deem just, fair and equitable, in law or at equity.

15 Respectfully submitted, this 23rd day of January, 2008.

16

17 /s/ _____
18 **JOE HILL**
19 Attorney for Plaintiffs-In-Intervention
20

JOE HILL
Attorney at Law

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CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2008, I filed and served copy of the Notice and Motion for Leave to Intervene and proposed Complaint-In-Intervention via e-filing/service on Defendants' counsels, Steven P. Pixley and Colin M. Thompson and on counsel for EEOC, Greg McClinton.

Yang, Li

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